

REMARKS

Claims 55-73 are currently pending in this application. In this Response, Applicant has amended certain claims that Applicant believes serve a useful clarification purpose, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

In particular, claim 74-54 have been canceled and new claims 55-73 have been introduced. As no new matter has been added by the amendments herein, Applicant respectfully requests entry of these amendments at this time.

Request for In-Person Interview

Applicant's representatives request an in-person interview to discuss the subject matter of the application and the status of issues raised by the Examiner.

Objections to the Claims

The Examiner objected to the claims for the reasons provided on pages 2-18 of the Office Action. These claim objections are believed to be moot in view of the newly introduced claims and evidence.

The Claim Rejection under 35 U.S.C. § 112

The Examiner imposed several claim rejections under 35 U.S.C. § 112 for the reasons provided on pages 2-5 of the Office Action. These claim rejections are believed to be moot in view of the newly introduced claims.

The Claim Rejection under 35 U.S.C. § 101

The Examiner again rejected claims 57-73 under 35 U.S.C. § 101 on the ground that the claims were inoperable and therefore lacked utility. In particular, the examiner stated on pages 5-7 her belief that the claimed invention was inoperable because motive fluid would be trapped and could not exert any useful energy release by expansion, impulse, or reaction.

Applicant again respectfully disagrees with the Examiner's conclusions that the claimed invention was a "closed pocket turbine." The original claims recited elements for introducing an air-fuel mixture into a bore of an engine, igniting or combusting the mixture, and deriving useful energy release therefrom. In addition, the claims also recited an exhaust system where combusted gases could be released. It appears that the Examiner failed to appreciate that these features were

present in the original claims. As a result, the claims have been rewritten to more clearly recite the many features of the invention. For these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections under § 101.

As stated before, the applicant has built his main concept of introducing combustion power inside the chambers of this device to be utilized for output from the investing basis of an old simple principle still used until now which is used for fabricating the traditional gun weapon started a long time ago by using a black powder explosion for guns to throw projectiles. While a static situation in a chamber inside a gun could have such explosion to push a projectile body through the gun by a useful power of pressurized gases of Black Powder explosion, a concept widely improved to be used for well known automatic weapons industries, such clear concept applied on automotive engine to use it inside chambers of this device; substituting that body by a flexible elastic traveling piston to allow gases to expand or to relatively be partially released causing impulse, reaction acting on a face (of piston) imposing certain power on a direction of center-side of flywheel thereon (instead of throwing a body); by those pressurized gases of fuel mix explosion as a first stage then released but oppositely at (exhaust) 2nd stage .

Those closed packets turbines, as cited by the examiner, practically have fixed (rigid) faces (walls) for chambers (between vanes) and there is no way to let the chambers expand at explosion inside, while causing equal impulse, reaction on all direction to make the gases trapped or projected on themselves or a radial plane with no dynamic motion to produce as to be called inoperative.

A logical comparison could recognize a kind of chamber for closed packet turbines which are surrounded by fixed faces (or vanes) unable to expand due to explosion power inside which trapped therein without any useful energy release. Chambers of this current art device which are disciplined for each to have one flexible face to expand downwardly (a face against the ignition) along a cylindrical bore therein, due to a mix explosion occurring inside. Such moving face, presented by a flexible elastic traveling piston for each releases a potential useful reaction from expansion of gases as a result of the explosion through a desired direction projected (as designed) on center-side of a flywheel thereon to act as a torque power on it.

The Applicant is assuring and contends that, by introducing this declaration, that it will be quite sufficient for any person in the art to realize and distinguish the difference between those inoperative devices (Closed Pocket Turbines) those having chambers unable to expand by their constant unchanged volumes, and a device that has chambers having deferential ability for volume expansion related to explosion magnitudes and resulting gases reactions inside, to utilize such energy of fuel combustion by this operative automotive device.

This declaration should address the Section 101 rejection on a basis of a presumed consideration of inoperative-ness.

The Examiner requested an affidavit from a qualified independent person and defined a qualified person as one having an advanced degree in physics or mechanical engineering from a leading university such as Stanford, the California Institute of Technology, or Massachusetts Institute of Technology. The applicant respectfully submits that MPEP Section 2164.08 (B) places the Burden on the Examiner to provide a reasonable basis to support this conclusion which Applicant does not believe this burden having been met. MPEP Section 2164 (C) states that in the Rebuttal by Application there is no predetermined amount of character of evidence that must be provided by an applicant to support an asserted utility. Rather, the character and amount of evidence needed to support an asserted utility will vary depending on what is claimed. Furthermore, the applicant does not have to provide evidence sufficient if, considered as a whole, it leads a person of ordinary skill in the art to conclude that the asserted utility is more likely than not true. Applicant believes that this evidence has been supplied and that the Applicant has exceeded their burden of proof. Therefore a reconsideration on rejection under 35 USC –101 on this device is required.

The Claim Rejection under 35 U.S.C. § 102

The Examiner rejected claims 55-62, 64-67 and 69-73 under 35 U.S.C. § 102 based on GB 349614 to Hay, FR 2,252,764 to Yvette, and FR 2,229,274 to Paul for the reasons provided on pages 9-12 of the Office Action. Applicants respectfully traverse.

It is axiomatic that a reference must touch all of the elements recited in the claims in order for an Examiner to reject the claim under 35 U.S.C. § 102. Here, Applicant contends that the Examiner did not show every element of the claims in the references cited. As stated above, it appears that the Examiner may not have understood the claims, and therefore rejected them under both § 101 and § 102. The claims have been rewritten to more clearly describe the claimed invention. As a result, Applicant requests the Examiner reconsider and withdraw the rejections under § 102.

The Claim Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 63 and 67 under 35 U.S.C. § 103(a) based on GB 349614 to Hay, and FR 2,252,764 to Yvette. The Examiner rejected claim 72 under 35 U.S.C. § 103(a) based on GB 349614 to Hay, and 3,769,793 to Wilson. Applicants respectfully traverse.

Modified claims should address this issue. Applicants respectfully traverse. Modified claims should address this issue.

No new material


Applicant believes to the best of their knowledge that no new material has been added by Applicant's proposed changes.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicant invites the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No other fee is believed due at this time. Should any fee be required or if the requested refund is denied in whole or in part.


Respectfully submitted,



Jeffrey M. Furr, Esq.
Registration No. 38,146

I hereby certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

September 8, 2005



Jeffrey M. Furr, Esq.
Registration No. 38,146